

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MARCH 2, 2000  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins  
Linda Steinman  
Bernie Heier

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,  
FEBRUARY 24, 2000**

**MOTION:** Hudkins moved and Heier seconded approval of the Staff Meeting minutes dated February 24, 2000. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- a. Legislative Update
- b. Assistant to Chief Administrative Officer
- c. Letter from Eleanor Francke Regarding Beltway Studies

**MOTION:** Steinman moved and Hudkins seconded approval of the additions to the agenda. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

## ADDITIONS TO THE AGENDA

### a. Legislative Update

Eagan distributed a legislative update from Gordon Kissel, Legislative Consultant (Exhibit A).

Eagan reported there have been ongoing discussions with members of the Lancaster County delegation about the state aid distribution formula in LB 1138.

Dave Kroeker, Budget & Fiscal Officer, reviewed *Proposed Amendments to LB 1138* (Exhibit B). He said Senator Beutler has indicated that additional amendments are needed.

Board members proposed amendments that include the following:

- A distribution formula that is based on population only
- Consideration of the amount of non-taxable property within a county
- A delay of distribution until the results of the Census 2000 are known
- Consideration of local human services program efforts
- An incentive to adjust property values to reflect actual value

Kroeker also reviewed the following documents: *Changes Made to Motor Vehicle Tax to Prepare for LB 1114 to Allow Counties Room Under Tax Limits to Allocate up to 15 Cents to Other Subdivisions; Estimated Benefit to Lancaster County; Lancaster County Impact of Change on Taxation of Motor Vehicles; Motor Vehicle Valuation; LB 695 Summary Record* (Exhibit C) and *Lancaster County Boarding Contracts, Juvenile Court, FY86 to FY99 Actual Net Cost, FY00 Projected Based on July & August Days & Cost* and a graph detailing *Juvenile Court Boarding Contracts* (Exhibit D).

Campbell said the focus of opposition to the bill should remain on the flawed distribution formula that would allocate all of the new dollars generated by the bill and more to Douglas County, while 60 out of 93 counties in Nebraska would lose a significant amount of revenue.

**MOTION:** Hudkins moved and Steinman seconded to oppose LB 1138 and to authorize staff and the lobbyist to draft amendments that demonstrate the inequities in distribution. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

The Board also directed that a letter be sent to other counties informing them of the fiscal implications of the bill.

Eagan said it appears the Legislature will pass LB 652, which provides for a juvenile correctional facilities master plan, but the Governor may veto the legislation.

Hudkins suggested that the Chair and lobbyist seek a meeting with the Governor to resolve issues of contention ahead of time.

Campbell said she will contact Kissel and ask him to schedule a meeting with the Governor.

Steinman reported that Senator Beutler anticipates a veto of LB 414, which provides for transition of the office of Clerk of the District Court to a State reimbursed position.

Norm Agena, County Assessor, and Bruce Medcalf, County Clerk, appeared and noted concerns regarding LB 628, which requires provision of copies of public records at actual costs. Questions were raised as to whether the copy fee adequately covers costs, the potential impact to office production and language that conflicts with other statutes.

Eagan noted that the County does not have an obligation to provide copies, other than those that are certified.

**MOTION:** Steinman moved and Heier seconded to oppose LB 628. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

The Board directed Eagan to notify Kissel of the Board's action.

### **3 DISCUSSION OF BOARD MEMBER MEETINGS**

#### **a. Visitors Promotion Committee - Steinman**

Steinman reported that the Visitors Promotion Committee (VPC) has recommended a contingency award in the amount of \$500 to the Family Career and Community Leaders of America (FCCLA) for an event that will be held in Lincoln on April 9-11, 2000. She noted that the group had requested \$1,000.

**MOTION:** Steinman moved and Hudkins seconded to award \$500 to the Family Career and Community Leaders of America (FCCLA), with provision of staff support by the Lincoln Convention & Visitors Bureau. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

**4 COUNTY SPECIAL PERMIT 175 (COMMUNITY UNIT PLAN) AND PRELIMINARY PLAT 99029, COUNTRYSIDE ESTATES 1<sup>ST</sup> ADDITION, SOUTHWEST 70<sup>TH</sup> & WEST DENTON ROAD - Mike DeKalb, Planning Department**

Mike DeKalb, Planning Department, reported briefly on County Special Permit 175 and Preliminary Plat 99029, a Community Unit Plan for 7 lots on property at Southwest 70<sup>th</sup> & West Denton Road (Exhibit E).

DeKalb noted that the Board asked about inclusion of a covenant prohibiting junked cars in County Preliminary Plat 99025, Bentzinger Subdivision, at the February 29<sup>th</sup> County Board of Commissioners meeting. Since the applicant was not present at the meeting, it was suggested that this condition be added when the Final Plat is completed.

The Board asked DeKalb to notify the applicant that this is desired.

Campbell asked whether a junked car prohibition could be included in the Special Permit Conditions of the County Zoning Regulations.

John Bradley, Assistant Planning Director, said the condition will need to be carefully crafted to include situations that are unique to the County, such as unlicensed agricultural equipment.

Campbell said, at this point, the County Board is only trying to find a solution to the junked car problem in areas of clustered development in the Agriculture Residential (AGR) zoned areas of the County.

Larry Worrell, County Surveyor, appeared and distributed a memorandum that requests the County Board to pass a resolution requesting that a portion of West Ashland Road be reclassified from minimum maintenance to local (Exhibit F).

## **ADDITIONS TO THE AGENDA**

### **b. Assistant to Chief Administrative Officer**

Campbell said the County Attorney has indicated that creation of an unclassified position that would act as assistant to the Chief Administrative Officer can only be achieved by creating a County Administrative Services Department and changing the position of Chief Administrative Officer to a department head position (Exhibit G). It was also recommended that the Workers' Compensation & Risk Management Manager be assigned to this department and that the Personnel Department be consulted to determine whether there are other county employees that should be assigned to this department, as well.

### **c. Letter from Eleanor Francke Regarding Beltway Studies**

Board consensus to draft a letter of response with signature by the Vice Chair, since the Chair is declaring a conflict of interest, indicating that the letter has been to Jim Linderholm, Beltway Study Consultant, for response. Any subsequent letters dealing with the beltway study issue will be handled in the same matter.

### **5 EASEMENT REQUEST THROUGH WILDERNESS PARK FROM PEOPLES NATURAL GAS - Alan Hersch, Peoples Natural Gas Community Relations Director; Michael Kisicki, UtiliCorp United Operations Director; Jim Morgan, Parks & Recreation Department Director; Mike DeKalb, Planning Department**

Alan Hersch, Peoples Natural Gas Community Relations Director, requested an easement for a natural gas pipeline adjacent to Lincoln Electric System's power line easement underneath Wilderness Park. He said the pipeline, which will extend from an area west of the park boundary on South 14<sup>th</sup> Street to Highway 77, will be used to fuel the additional natural gas turbine generator currently under construction at LES's Rokeby power plant. (See Exhibits H and I for map of area and schematic of proposed directional bore). Hersch added that routine maintenance of the pipeline will not cause a disruption to park vegetation.

Heier asked whether the proposed 10 foot pipeline depth underneath Salt Creek sufficiently accounts for erosion.

Michael Kisicki, UtiliCorp United Operations Director, said this depth can be varied. He added that there will be strict adherence to the Corp of Engineers established guidelines for pipeline depth.

Hudkins questioned why a more direct route west from Yankee Hill Road was not selected.

Hersch said that route transverses a wider area of the park.

Kisicki added that the bore length and the desire to locate within a utility corridor make the proposed route more desirable.

Hudkins asked that the County Board be notified when boring is ready to commence, so members can visit the site.

Jim Morgan, Parks & Recreation Department Director, said the City does not oppose the chosen route but wants to insure that there is recognition that the wedge of land between the railroad tracks is a separate landholding of the City, and is not part of Wilderness Park.

**MOTION:** Heier moved and Hudkins seconded to refer the easement request to the County Ecological Advisory Committee for review, with a report back to the Board by April 6, 2000. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

Also in attendance were: Rich Kosch, Lincoln Electric System; Bill Austin, Attorney for Peoples Natural Gas; Brian Krohn, People's Natural Gas and Patrick McGilvrey, UtiliCorp United.

**6 REAL ESTATE PURCHASE AGREEMENT FOR 230 SOUTH 9<sup>TH</sup> STREET - Don Killeen, County Property Manager**

Don Killeen, County Property Manager, reported that the two lots owned by the Jean Breslow Estate in the old Lincoln Police Department parking lot, 230 S 9th Street, has been offered to the City and County for the assessed value of \$72,561. He recommended proceeding with the purchase, with the cost will be split between the two entities.

Killeen also suggested that the parking lot be utilized for parking of government fleet vehicles.

Campbell noted concerns of security in the Justice and Law Enforcement Center and reported a request for lock boxes for individuals accessing that building to store contraband material.

**7 REPORT ON ECONOMIC DEVELOPMENT LOANS - Troy Gagner,**  
Economic Development Coordinator

The Board asked Troy Gagner, Economic Development Coordinator, to explain what steps are being taken to collect delinquent payment of economic development loans.

Gagner said the owner of Banner House Fabrics in Panama is still slightly behind in payments but is working hard to market the business and explore Internet opportunities.

Gagner reported that Kinco Manufacturing of Waverly has ceased operation and is liquidating business equipment in an effort to repay their bank loan. He estimated the business will still be in arrears of \$20,000 (\$10,000 to Norwest Bank and \$10,000 to the County for an Economic Development loan) following liquidation. Gagner said he is unsure whether the bank will seek repayment from the individual owners, based on their personal guarantees of the bank loan. He added that personal guarantees were also secured for the Economic Development loan.

**MOTION:** Hudkins moved and Heier seconded to direct the County Attorney's Office to work with Norwest Bank in collecting monies due and to take necessary legal action to force Kinco Manufacturing's owners to repay the balance of the Economic Development loan, after liquidation, based on their personal guarantees of the loan. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

Gagner reported that Weaver Potato Chip Company is out of bankruptcy. He said repayment of City and County Economic Development loans is delayed for a period of 24 months as a condition of those proceedings.

The Board requested quarterly updates on the status of Economic Development Program loans.

Gagner also reported on a job creation loan application from Linweld Inc. for a project in Waverly, Nebraska (Exhibit J). He said job retention was difficult to prove for the project, but job creation is still being explored.

In response to a question from Hudkins, Gagner said speculative development may be an option for the Malcolm Public Schools building.

Dave Johnson, Deputy County Attorney, noted a substitution of collateral for A+ Home Hearing Service

Gagner said the owner of the business recently suffered a stroke and is working with Rural Enterprise Assistance Program (REAP) to get back on track, adding it may be necessary to defer some loan payments.

**8 ADAMS STREET CLUBHOUSE** - Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, said the Day Rehab and Transitional Employment Program for individuals with mental illness has outgrown its space in the Adams Street Center. He also reported that the Wagon Wheel Workshop at the Lincoln Regional Center is closing and those clients will be displaced.

Settle expressed interest in relocating in the old Police Station Building, noting this building is easily accessible, is located on a bus route and has sufficient space for the program, a small-drop in center, location of case managers and space for a joint Community Mental Health Center/Lincoln/Lancaster County Health Department Med Clinic to serve the downtown area.

In response to a question from Hudkins, Settle said Trabert Hall was also considered, but determined to lack the open space necessary for the program's workshops.

Settle requested formation of a committee and the services of an architect familiar with the old Police Station Building to conduct a feasibility study.

Hudkins suggested that Steve Flanders, Public Building Commission Project Manager, may be able to serve in this capacity.

Campbell said the Board was informed earlier in the meeting that the parking lot of this building will be used for parking of government fleet vehicles. She inquired about the parking needs of the program.

Settle estimated that 15 parking stalls will be needed for clients and staff.

Campbell suggested that Settle contact Don Killeen, County Property Manager, to clarify the parking situation.

## **9 ACTION ITEMS**

- a. Topics for Monthly Meeting with Mayor

The following topics were suggested:

- Ambulance Service
- Griffin Grant Writing Proposal
- 84<sup>th</sup> and 14<sup>th</sup> Streets
- Creation of a Telecommunications Improvement District
- Asbestos Demolition Renovation Civil Penalty Calculation Policy

**MOTION:** Hudkins moved and Steinman seconded to send a letter to Leon Vinci, Lincoln/Lancaster County Health Department Director, requesting a report on the Air Pollution Advisory Board's recommendation of an Asbestos Demolition Renovation Civil Penalty Calculation Policy. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

## **10 CONSENT ITEMS**

- a. Microcomputer Request C#2000-069, Corrections Department, \$904.61 from the Inmate Benefit Fund for Two (2) Laser Printers

**MOTION:** Steinman moved and Heier seconded approval of the Consent Item. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

## **11 ADMINISTRATIVE OFFICER REPORT**

- a. March Management Team Meeting

Board consensus to cancel the meeting.

- b. Agenda Items for March City-County Common Meeting

Board consensus to recommend cancellation of the meeting unless agenda items are brought forward.

- c. Staff Meeting on Tuesday, March 7, 2000

Board consensus to schedule a Staff Meeting immediately following the County Board of Commissioners Meeting on Tuesday, March 7, 2000. A Staff Meeting will not be held on Thursday, March 9, 2000.

#### d. Consolidation Committee Report

Campbell said she was asked by the City/County Common to chair a committee that will focus on consolidation and cooperation efforts. She said she had asked members of the Board to review the *Final Report and Recommendations of the Lancaster County Consolidation Committee* and offer direction, prior to those discussions with the City.

Eagan noted that LB 1085, the legislation enacted in 1996 which required a consolidation study by the County Board, requires consolidation efforts to be put to a vote of the people.

- *Recommendation 1: Merge County Assessor and Register of Deeds*

Dan Nolte, Register of Deeds, said he opposes such a merger. He questioned whether savings and efficiencies would result and whether there would be an impact on the turnaround time for filing of documents.

Norm Agena, County Assessor, said he supports the consolidation as it would provide his office, which is responsible for determining ownership, an opportunity to inform customers of problems with the deed at the point of filing. He added that the current process frequently results in delayed notification of errors in the deed and can stall foreclosure proceedings.

Nolte said he was unaware of the problem and would be willing to work with the County Assessor's Office on a solution.

In response to a question from Campbell, Nolte said the two offices do not share a database at this time.

Nolte said a merger of his office with another office, such as the County Clerk, may be more appropriate. He recommended formation of a commission to look at management issues.

Hudkins suggested inclusion of frequent users of the system.

Eagan noted that input is needed from Information Services, as both offices are heavily involved with technology.

Campbell said she feels strongly that the consolidation issue needs to be looked at in terms of the future of county government, but questioned whether formation of another citizens group would be beneficial. She suggested further dialogue with members of the Lancaster County Consolidation Committee.

**MOTION:** Steinman moved to hire a consultant to look at the cost efficiencies and the issue of whether a consolidation of offices is feasible and where it should occur.

The motion failed for lack of a second.

Hudkins proposed that the County Assessor and Register of Deeds meet to discuss the issue in further detail, with the Chief Administrative Officer serving as facilitator of that discussion, and that recommendations be brought forth to the Board.

Campbell suggested that the auditor may be able to assess whether any savings would be realized through consolidation.

- *Recommendation 2: Merge County Engineer and City Public Works Department*

Hudkins said it would be beneficial to know the reasoning of the Lancaster County Consolidation Committee on this issue, as well.

Steinman said consolidation of these department would probably be more appropriate in an urbanized county.

Campbell said transportation issues and priorities are different for the two departments.

Hudkins said he believes Public Works will be pressured to concentrate efforts on the urban areas, if the departments are merged.

- *Recommendation 3: District Court Clerk functions should be assumed by the State*

Campbell noted that the Board supports LB 414, which provides for transition of the office of Clerk of the District Court to a State reimburses position.

- *Recommendation 4: All county records management functions should be identified and consolidated into one centralized location and authority*

Gwen Thorpe, Deputy County Clerk, reported that her office has been working with Records & Information Management and Information Services on developing a records management system. She noted that the Nebraska Revised Statutes are being reviewed to eliminate duplication of effort for record retention.

Campbell said records management functions need to be looked at in terms of policy, rather than office. She also noted that this recommendation has implications for the City.

Board consensus to schedule further discussion of Recommendations 1 and 2 with Dale Gruntorad and Wayne Giebelhaus, Chair and Vice Chair of the Lancaster County Consolidation Committee; Gordon Kissel, facilitator of meetings of that committee; Dave Kroeker, Budget & Fiscal Officer; Norm Agena, County Assessor; Dan Nolte, Register of Deeds; Don Thomas, County Engineer; and Allan Abbott, Public Works/Utilities Director, on the March 16<sup>th</sup> County Board Staff Meeting agenda.

Further consensus to schedule discussion of Recommendation 4 with Bruce Medcalf, County Clerk; Gwen Thorpe, Deputy County Clerk; Brian Pillard, Records & Information Manager; and Doug Thomas, Information Services Director, on the March 23<sup>rd</sup> County Board Staff Meeting agenda.

- e. Follow-up on Opinion Letter from Farm Service Agency for Joan Till

Norm Agena, County Assessor, said Till's greenbelt status will not be affected if the County acquires right-of-way.

The Board authorized the County Engineer to proceed with acquisition of right-of-way.

- f. Preconstruction Meeting for Juvenile Detention Facility

Eagan reported that the meeting will be held later in the day at Trabert Hall. He said the only remaining issue is the provision of insurance for the project by the contractor.

g. Meeting with Dave Myers, County School Superintendent

Eagan reported that this position has been eliminated, effective June 30, 2000.

The Board directed Eagan to send a letter to Dave Myers, County School Superintendent, expressing appreciation his service and a letter to all affected schools within the County informing them that the County will no longer be contracting for this service.

h. Lincoln Action Program's Technology Opportunities Program (TOP) Grant

Campbell said Kit Boesch, Human Services Administrator, has requested that this item be held, pending review of procedure by the Joint Budget Committee (JBC).

Eagan indicated the need for a policy that will prevent submission of competing grants.

Board consensus to hold the item.

i. Griffin Grant Writing Update

Eagan said Griffin Grant Writing and Consulting has submitted an initial funding report of available grants. A core group of County managers will review the report and make recommendation to the Board of which grants to seek.

**12 AGENDA ITEMS FOR COUNTY BOARD MEETING OF MARCH 7, 2000**

a. Appointment of Jeannie Sayers to the Commissioners' Award of Excellence Program

**13 EMERGENCY ITEMS AND OTHER BUSINESS**

**14 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

---

Bruce Medcalf  
Lancaster County Clerk